IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 6399 of 2003

Between:

Jakka Ravinder Reddy, S/o.Chandra Reddy,
Proprietor of M/s Sai Tent House Ibrahimpatnam,
Ibrahimpatnam Village and Mandal, Rangareddy District.

..... PETITIONER

AND

1 The District Collector, Rangareddy District.
2 The District Panchayat Officer, Ranga Reddy District.
3 The Grampanchayat, Ibrahimpatnam Village,
Ibrahimpatnam Mandal, Rangareddy District.
4 The Sarpanch, Ibrahimpatnam Grampanchayat,
Ibrahimpatnam Mandal, Rangareddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of writ of Mandamus declaring the action of the respondents in not permitting the petitioner to erect tents at the Cattle Bazar in Ibrahimpatnam Village, in terms of the Resolution of the third respondent Dt.6/4/2001 and the consequential agreement of lease Dt.10/08/2001 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to permit the petitioner to erect the tents in terms of the Agreement of Lease Dt.10/08/2001 forthwith.

Counsel for the Petitioner: MR.K.R.SASIDHARAN

Counsel for the Respondents 1 & 2 : GP FOR REVENUE

Counsel for the respondents 3 & 4: Mr. P.Raghavender Reddy, S.C. for Z.P., M.P. and G.P.

The Court made the following :

ORDER:

Assailing the action of the respondents in not permitting the petitioner to erect tents at the cattle bazaar in Ibrahimpatnam village in terms of the resolution of the third respondent dated 06.04.2001 and consequential agreement of lease dated 10.08.2001, this Writ Petition is filed.

At the time of admission of this Writ Petition, interim direction was given by this Court on 17.04.2003 in W.P.M.P. No.8349 of 2003, to the effect that if the agreement entered into by the third respondent with the petitioner on 10.08.2001 is still in force and the same is not cancelled or rescinded, the petitioner shall be allowed to erect the tents in the cattle bazaar at Ibrahimpatnam village, subject to the usual terms of payment of levies, etc.

After receipt of notice, the respondents 3 and 4 filed counter affidavit along with vacate stay petition, admitting passing of the resolution on 06.04.2001 and entering into the agreement between the petitioner and the third respondent. It is further stated that when they were about to take steps for cancellation of the resolution by due process of law, the petitioner approached this Court and filed this Writ Petition.

Thereafter, this Court made the aforesaid interim order as absolute while disposing of the Vacate Stay Petition as per order dated 30.04.2003 in W.V.M.P.No. 1609 of 2003. Further, the counter affidavit was filed on 24.04.2003. But, till today, it is not known whether the resolution is cancelled or not. So, the lease of the petitioner is subsisting up to 09.08.2006.

In the circumstances, the Writ Petition is disposed of directing the respondents to continue the petitioner till the lease period is over i.e. up to 09.08.2006, in the premises. No costs.

12.07.2005

DRK

Copy to:

1 The District Collector, Rangareddy District.
2 The District Panchayat Officer, Ranga Reddy District.
3 The Sarpanch, Ibrahimpatnam Grampanchayat,
Ibrahimpatnam Mandal, Rangareddy District.

4 Two CCs to the G.P. for Revenue, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

5 Two CD copies.

6 The Grampanchayat, Ibrahimpatnam village & mandal,
Rangareddy District.